

Exhibit D

STATE OF NEW YORK
COUNTY OF ROCKLAND
HILLBURN JUSTICE COURT

THE PEOPLE OF THE STATE OF NEW YORK

CERTIFICATE OF
DISPOSITION

v.

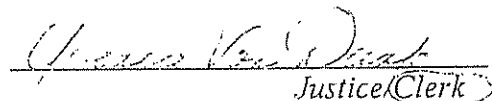
Defendant(s)

Rodney Van Dunk D.O.B. 12/12/68

I certify that the above named defendant having appeared before this Court charged with the offense(s) Menacing 2nd in violation of section 120.14 and Harassment 2nd in violation of section 240.26 of the Penal Law of New York State and a proper request for an official statement of disposition having been received, this is to certify that the charge(s) aforesaid were disposed by Village Justice Elizabeth on December 17, 2002, and were disposed of as indicated.

12/17/02

Menacing charge was reduced to B Misdemeanor (Attempt at) with a surcharge of \$125.00 and a letter of apology
Harassment charge was covered by the plea to the Menacing charge


Justice Clerk

NOTE A copy of the request should be filed with this certificate in the court's records of the case

CAUTION This information must not be divulged where a seal order under CPL §160.50 has been issued or where the defendant has been adjudicated a youthful offender.

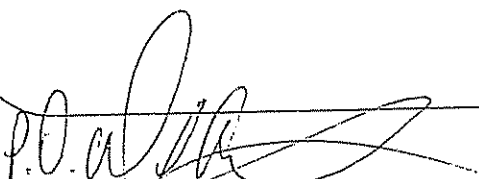
Case 7:07-cv-07007-CS Document 16-2 Filed 12/21/2007 Page 3 of 12

1 Agency TORPD		2 Division/Precinct HB107		New York State INCIDENT REPORT		3 ORI NY 04353		4 <input checked="" type="checkbox"/> Orig <input type="checkbox"/> Supp		5. Case No 02-11927		6 Incident No			
7 Report Day SUN		8 Date 03/31/02		9 Report Time 1957		10 Day SUN		11 Date 03/31/02		12 Time 1957		13. Day			
16 Incident Type MENACING 2°		17 Business Name						18 Weapon(s)							
19 Incident Address (Street No., Street Name, Bldg No, Apt No) 37 SIXTH ST						20. City, State, Zip (<input type="checkbox"/> C <input type="checkbox"/> T <input checked="" type="checkbox"/> V) HILLBURN, NY 10931						21 Location Code 4427			
22. OFF. NO.		LAW		SECTION		SUB		CL		CAT		DEG			
1		PL		120.14		1		A		M		2			
2		PL		240.26		-		-		V		2			
3															
												NAME OF OFFENSE			
												CTS			
												23 No of Victims			
												24 No. of Suspects			
												01			
												19			
												4/3			
25. Person Type: CO = Complainant OT = Other PI = Person Interviewed PR = Person Reporting WI = Witness NI = Not Interviewed VI = Victim												26. Victim also complainant <input type="checkbox"/> Y <input type="checkbox"/> N			
TYPE/NO		NAME (LAST, FIRST, MIDDLE, TITLE)				Date of Birth		STREET NO., STREET NAME, BLDG. NO., APT. NO., CITY, STATE, ZIP						Telephone No.	
PR		M. MITCHELL, WAYNE A				-		237 RT. 59 SUFFERN, NY 10931						357-2400	
OT ¹		VANDUNK, MORGAN				26		37 SIXTH ST. HILLBURN, NY 10931						368-3271	
OT ²		VANDUNK, MIDGE				64		" "						" "	
27 Date of Birth		28 Age		29 Sex		30 Race		31 Ethnic		32 Handicap		33 Residence Status			
Mo Day Yr				<input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> U		<input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Other <input type="checkbox"/> Indian <input type="checkbox"/> Asian <input type="checkbox"/> Unk.		<input type="checkbox"/> Hispanic <input type="checkbox"/> Unk. <input type="checkbox"/> Non-Hispanic		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Resident <input type="checkbox"/> Tourist <input type="checkbox"/> Student <input type="checkbox"/> Other <input type="checkbox"/> Commuter <input type="checkbox"/> Military <input type="checkbox"/> Homeless <input type="checkbox"/> Unk.			
34 Type/No		35 Name (Last, First, Middle)				36 Alias/Nickname/Maiden Name (Last, First, Middle)						37 Apparent Condition			
A LEG		VANDUNK, RODNEY, TROY										<input type="checkbox"/> Impaired Drugs <input type="checkbox"/> Mental Dis <input type="checkbox"/> Unk. <input type="checkbox"/> Impaired Alco <input type="checkbox"/> Inj / Ill <input checked="" type="checkbox"/> App Norm			
38 Address (Street No., Street Name, Bldg No, Apt. No., City, State, Zip)								39 Phone No		40. Social Security No.					
37 SIXTH ST. HILLBURN, NY 10931								368-3271		099-70-3203					
41 Date of Birth		42 Age		43 Sex		44. Race		45 Ethnic		46 Skin		47 Occupation			
1/2 1/2 6:8		33		<input checked="" type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> U		<input type="checkbox"/> White <input checked="" type="checkbox"/> Black <input type="checkbox"/> Other <input type="checkbox"/> Indian <input type="checkbox"/> Asian <input type="checkbox"/> Unk.		<input type="checkbox"/> Hispanic <input type="checkbox"/> Unk. <input checked="" type="checkbox"/> Non-Hispanic		<input type="checkbox"/> Light <input type="checkbox"/> Dark <input type="checkbox"/> Unk. <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Other		TABLE P			
48 Height		49 Weight		50 Hair		51 Eyes		52 Glasses		53 Build		54 Employer/School			
60 103		250		BLK		HAZ		<input type="checkbox"/> Yes <input type="checkbox"/> Contacts <input checked="" type="checkbox"/> No		<input type="checkbox"/> Small <input checked="" type="checkbox"/> Large <input type="checkbox"/> Medium		55 Address			
56. Scars/Marks/Tattoos (Describe)								57 Misc							
UPPER RIGHT ARM, SYDNEY KRISTEN. SCAR ABOVE LIP															
58. Victim Or Suspect No.		Property Status		Property Type		Quantity/Measure		Make or Drug Type		Model		Serial No.			
A		T.O.G		T.A. 49		OLE U		T.A. 5 V		-		METAL PIPE			
												Value			
												\$30.00			
												\$30.00			
59 Vehicle Status		60 License Plate No		Full <input type="checkbox"/> Partial <input type="checkbox"/>		61 State		62 Exp. Yr		63 Plate Type		64 Value			
TABLE W															
65 Veh Yr.		66 Make		67 Model		68 Style		69 VIN							
70 Color(s)															

Town of Ramapo Police Department		New York State SUPPLEMENTAL REPORT		Incident 02-11927	Arrest A-392-02
Report Date 03/31/2002	Report time 19:57	Complainant VanDunk, Rodney, T		Incident type Menacing 2nd	

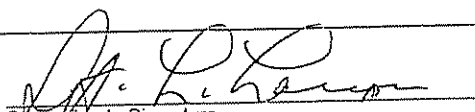
Narrative:

While parked at the intersection of Sixth St. and Mountain Ave. U/S heard loud music from a vehicle parked at 37 Sixth St. U/S approached the residence in the marked unit and advised a party to lower the volume. Met with Midge VanDunk who identified herself as Morgan VanDunk's mother. She stated she would ensure the volume remains lowered. U/S drove around the block and upon returning heard the music to be louder than before and three male individuals by the vehicle performing and rapping along with the music. U/S advised dispatch of my location and approached the residence on foot and again advised the subjects to lower the music. Morgan VanDunk approached U/S and U/S detected the odor of alcoholic beverage on his breath and observed a bottle wrapped in a brown paper bag in his hand. Morgan VanDunk refused to comply and yelled numerous racial slurs repeatedly to U/S stating, "Fuck you nigger, fuck you, fuck you, tom, get the fuck off my property, nigger" and other incoherent statements. During which time Rodney VanDunk rushed directly towards U/S repeatedly stating, "This is bullshit, this is bullshit," requiring family members to restrain him. Rodney VanDunk then poked U/S in the face with his finger, moved away returning with a large metal pipe, which he gesticulated, back and fourth towards U/S in a threatening manner then rushed into the roadway screaming incoherently. U/S returned to RMP 409 when U/S immediately received a dispatch reference to a large fight at same location. U/S advised dispatch of the large crowd and requested additional back up. Midge VanDunk approached U/S and stated that she is an American Indian who has lived in Hillburn for over sixty years, further stating U/S is a foreigner and an Uncle Tom who does not know anything about Hillburn or America. PO Whalen #419 and numerous officers on scene. Sgt. Lampert on scene and advised of fore stated incidents. While still at the scene numerous individuals made vulgar statements to U/S. After a protracted period of time the situation was defused. Rodney VanDunk was arrested and charged with Menacing 2nd and Harassment 2nd. He was issued appearance ticket number 810782 with a return date of April 02, 2002 at 1400 hrs. Hillburn Village Court then released.


Reporting Officer Signature

440

Officer ID


Supervisor's Signature

323
Supv ID

Town of Ramapo Police Department		New York State SUPPLEMENTAL REPORT		Incident 02-11927	Arrest A-392-02
Report Date 03/31/2002	Report time 19:56	Complainant P.O. Thomas Byrnes		Incident type Menacing	


Narrative:

I responded to 37th 6th Street reference to backing up sector 7 on a large disorderly crowd. Upon my arrival I exited my patrol vehicle and walked toward the crowd. While I was walking toward the crowd an unknown person threw a rock striking an unknown vehicle that was parked near the scene. While conducting crowd control, I observed one male black, possible named Morgan VanDunk, screaming at P.O. Mitchell. Morgan was calling P.O. Mitchell a nigger, and telling him to step off. Morgan further stated numerous times "Thats why you mother fuckers get shot". Another party by the name of Greg Vandunk, said "Take that shit off your face, nigger". Directing his comments toward P.O. Mitchell. There were numerous other parties on the scene that were screaming. The situation was eventually difused and Sgt. Lampert advised to resume normal patrol. P.O. Curtis checked patrol vehicle and stated that he did not see any damage reference to the rock being thrown.


Reporting Officer/Signature

407
Officer ID


Supervisor's Signature


Supv ID

Town of Ramapo Police Department		New York State SUPPLEMENTAL REPORT		Incident 02-11927	Arrest A-392-02
Report Date 03/31/2002	Report time 19:54	Complainant P.O. Mitchell		Incident type Menacing, Harassment	

Narrative:

Undersigned responded to 37th Sixth Street. Upon arrival I observed a large group (in excess of forty people) in the immediate area. I spoke to P.O. Mitchell who briefed me concerning what had occurred. Numerous persons at the scene were shouting at the officers. A decision was made to arrest Rodney Van Dunk. Rodney VanDunk was extremely agitated. Myself and P.O. Whalen attempted to calm Rodney. Due to the large group of people it was decided that Rodney would be brought to the police station by his brother, Jimmy VanDunk. Rodney was brought to the station, processed and released on an appearance ticket. Suffern and Tuxedo assisted with crowd control at the scene. The crowd was dispersed. Capt. Dolan advised.


Reporting Officer Signature

323

Officer ID

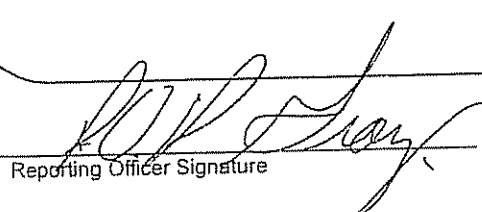
Supervisor's Signature

Supv ID

Town of Ramapo Police Department		New York State SUPPLEMENTAL REPORT		Incident 02-11927	Arrest A-392-02
Report Date 03/31/2002	Report time 19:56	Complainant PO MITCHELL		Incident type Menacing	

Narrative:

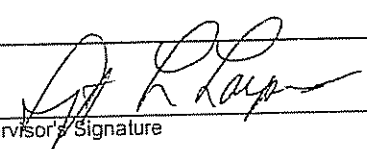
AT ABOVE DATE AND TIME, RESPONDED TO 37 SIXTH ST. HILLBURN TO BACK THE SECTOR 7 ON A DISORDERLY CROWD. UPON ARRIVAL, NUMEROUS PERSONS WERE SCREAMING AND USING OBSCENE LANGUAGE. DEFENDANT RODNEY VANDUNK WAS MAKING THREATENING STATEMENTS TO NUMEROUS OFFICERS.



Reporting Officer Signature

433

Officer ID



Supervisor's Signature

323

Supv ID

1. Agency T.C.R.P.D.		2. Division/Precinct 7/HB		New York State SUPPLEMENTAL REPORT		3. Incident No. 02-4773		4. Report No.	
5. Date 03/31/02		6. Time of Report 1956		7. Complainant Name P.O. Mitchell		8. Menacing 3°			
9. Narrative									
<p>U/S responded to 37 Sixth St. on report of a dispute. Upon arrival U/S met with PO Mitchell and observed numerous parties on the front yard of 37 Sixth St. U/S observed Rodney Van Dunk m/b standing on the edge of the yard holding a large metal rod yelling and cursing in a very agitated condition. U/S directed him to put the metal rod down, he refused and continued to yell and curse and U/S and PO Mitchell. Mr. Van Dunk was persuaded by family members to place the metal rod down, but refused to surrender it to U/S. U/S secured the metal rod from the front yard and placed it in the street adjacent to the patrol cars. U/S stood by the scene until the situation was under control and calm.</p> <p>Also present with Mr. VanDunk were his brothers Jimi VanDunk, Jamie VanDunk, Greg VanDunk and his parents. Additional person present was tentatively identified as Mr. VanDunk's brother Morgan.</p> <p>U/S assisted P.O. Mitchell in fingerprinting and photographing Mr. VanDunk.</p> <p>No further at this time.</p>									
10. Inquiries (Check all that apply)									
<input type="checkbox"/> DMV <input type="checkbox"/> Want/Warrant <input type="checkbox"/> Scofflaw <input type="checkbox"/> Crim. History <input type="checkbox"/> Stolen Property <input type="checkbox"/> Other									
11. NYSPIN Message No.									
12									
13. Reporting Officer Signature (Include Rank)									
14. ID No. 419									
15. Supervisor's Signature (Include Rank)									
16. ID No. 323									
17. Case Status									
<input type="checkbox"/> Open <input type="checkbox"/> Closed (If Closed, check box below) <input type="checkbox"/> Unfounded <input type="checkbox"/> Vict. Refused to Coop. <input type="checkbox"/> Arrest <input type="checkbox"/> Pros. Declined <input type="checkbox"/> Warrant Advised <input type="checkbox"/> CBI <input type="checkbox"/> Juv. No Custody <input type="checkbox"/> Arrest Juv. <input type="checkbox"/> Offender Dead <input type="checkbox"/> Extred. Decln. <input type="checkbox"/> Unknown									
18. Status Date 03/31/02									
19. Notified/TOT									
20. Page 1 of 1 21. Pages 22. Use cover sheet									

1 Agency TOWN OF RAMAPO PD.		2 Division/Precinct 7 / HB		New York State SUPPLEMENTAL REPORT		3 Incident No. 02-11927		4 Arrest No. A-392-02																																																									
5 Date 03/31/02		6 Time of Report 1957		7 Complainant Name VAN DUNK, RODNEY		8 MENACING																																																											
9. Narrative																																																																	
<p>WHILE ON ROUTINE PATROL I WAS DISPATCHED TO ASSIST P.O. MITCHELL AT 37 SIXTH ST. HILLBURN, ON MY ARRIVAL P.O. MITCHELL AND SEVERAL OFFICERS FROM THIS DEPARTMENT WERE BEING CONFRONTED BY TWO LARGE GROUPS OF PEOPLE. RODNEY VAN DUNK, WHO IS KNOWN TO ME WAS STANDING ON HIS FRONT LAWN WITH A LARGE METAL BAR IN HIS HAND. HE APPEARED TO BE PSYCHOLOGICALLY AND OR EMOTIONALLY OUT OF CONTROL, POSTURING AGGRESSIVELY, SCREAMING "GET OFF MY PROPERTY", ETC., AND INITIALLY REFUSING ALL ATTEMPTS TO GET HIM TO PUT THE METAL BAR DOWN, CALM DOWN, OR TALK. HE WAS SURROUNDED BY APPROXIMATELY TWELVE TO FIFTEEN ASSOCIATES, MANY OF WHOM WERE VOCALLY AND PHYSICALLY ANTAGONISTIC. ONE OF THESE SUBJECTS, LATER IDENTIFIED TO ME AS MORGAN VAN DUNK REPEATEDLY CALLED P.O. MITCHELL A "NIGGER, UNCLE TOM", ETC. DURING THIS TIME. ANOTHER LARGE GROUP OF APPROXIMATELY TWENTY TO THIRTY PEOPLE WERE ALSO NEARBY IN THE STREET.</p> <p>ASSISTING OFFICERS AND SGT. LAMPERT SUBSEQUENTLY ARRIVED ON SCENE AND AFTER A PROTRACTED PERIOD OF TIME AND REPEATED ACTS SIMILAR TO ABOVE THE SITUATION WAS FINALLY RESOLVED.</p> <p>I TOOK THE METAL BAR TO THIS STATION WHERE IT WAS ENTERED IN EVIDENCE. PRIOR TO MY LEAVING THE SCENE BOTH RODNEY VAN DUNK AND HIS FATHER ROBERT VAN DUNK MADE DIRECTED COMMENTS IN MY PRESENCE THAT "THIS IS NOT OVER" AND "THERE'S MORE TO COME". NO FURTHER.</p>																																																																	
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TOWN OF RAMAPO POLICE DEPARTMENT

237 Route 59
Suffern, NY 10901

PROPERTY RECEIPT

CASE NUMBER 02-11927

DATE 03/31/02

TIME 2200

PROPERTY LISTED: NO PROPERTY

THE ABOVE LISTED PROPERTY HAS BEEN SECURED BY THE TOWN OF RAMAPO POLICE DEPARTMENT:

PROPERTY RECEIVED FROM:

RODNEY JAW DUNK

NAME/SIGNATURE

P.O. [Signature]

OFFICER'S NAME/SIGNATURE

03/31/02
DATE

166
SHIELD #

03/31/02
DATE

**PROPERTY RETURNED TO

I HAVE RECEIVED THE PROPERTY IDENTIFIED ABOVE

SIGNATURE

DATE

TIME

OFFICER'S SIGNATURE

SHIELD #

DATE

**Provide Copies Of This Receipt To Property Owner
TORPD Form 37 (Rev. 12/97)

Justice Court: Village of Hillburn

County of Rockland

People of the State of New York
- against -
Rodney T. VanDunk
of 37 6th St. Hillburn, NY 10931
Defendant

Case #: 02-11927

DOB: 12/12/1968

TYPE: MISDEMEANOR

PO Wayne A. Mitchell, Shield # 440, of the Town of Ramapo Police Department
in the County of Rockland and State of New York, being duly sworn, deposes and says as follows:

On March 31, 2002 at about 19:50 hours, at 37 SIXTH ST. HILLBURN, NY 10931

in the Village of Hillburn, County of Rockland, State of New York,

the defendant committed the offense(s) of:

PL120.14(1)

Menacing 2nd Degree

PL240.26(1)

Harassment 2nd Degree

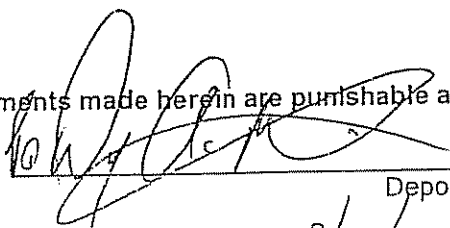
In that the defendant intentionally placed and attempted to place another person in reasonable fear of physical injury by displaying a deadly weapon, dangerous instrument or what appeared to be a firearm

And the defendant, with intent to harass, annoy and alarm another, subjected that person to physical contact and attempted and threatened to do the same

The offense was committed under the following circumstances:

While deponent was advising a party to lower the volume of a car radio defendant became highly agitated cursing stating, "this is bullshit." Defendant then poked this officer in the face with his finger then gesticulated, moving back and fourth a large metal pipe in both his hands in a threatening manner

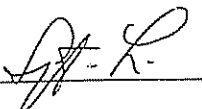
False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.


Deponent

03/31/02 2200
Date and Time

Affirmed before me this date: 3/31/02

(Signed)

 - R. Lapina #323

1. Agency Town of Ramapo Police		2. Division/Precinct 02-TR		3. Incident No To: 02-11927		4. Arrest No	
5. Date 3/16/07		6. Time of Report 1330		7. Complainant Name PO FLYNN		8. PROP/EVIDENCE DISPOSAL	
<p>THIS DATE PROPERTY / EVIDENCE IN THE CASE HAVING NO FINANCIAL / EVIDENCIARY VALUE DISPOSED OF IN TRASH.</p>							
<p>10. Inquiries (Check all that apply)</p> <p><input type="checkbox"/> DMV <input type="checkbox"/> Want /Warrant <input type="checkbox"/> Scofflaw</p> <p><input type="checkbox"/> Crim. History <input type="checkbox"/> Stolen Property <input type="checkbox"/> Other</p>							
11. NYSPIN Message No.				12			
12. Reporting Officer Signature (Include Rank) PO FLYNN				14. ID No 193		15. Supervisor's Signature (Include Rank)	
17. Case Status <input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed (if closed, check box below)				19. Status Date 3/16/07		19. Notified/TOT	
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